

### REMARKS

Claims 1-27 were previously pending. Claims 28-30 have been added. Reconsideration of presently pending claims 1-30 is respectfully requested in light of the above amendments and the following remarks.

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,047,367 to Wei, et al. ("Wei"). Claim 1 has been herein amended to require "forming an interlayer material on said MOSFET device having a thickness less than 15 Angstroms." In the Office Action, the Examiner admits that Wei does not show this limitation (with reference to claim 8), and relies on US Patent No. 6,916,729 to Fang, et al. ("Fang"). Applicant respectfully traverses this rejection.

Wei and Fang are not properly combinable. The Wei reference clearly *teaches away* from Claim 1 by stating, "Although precise thicknesses are not critical, the titanium layer has a thickness in the range of 50-300 angstroms...." Column 5, Lines 66-68. In this manner Wei teaches away from a interlayer material having a thickness less than 15 angstroms.

Whether or not a titanium layer less than 15 angstroms exists in the prior art does not provide motivation to overcome the teachings and suggestions of the Wei reference that "precise thicknesses are not critical." Therefore, reliance on Fang to show a 15 angstrom refractory metal layer is not sufficient to meet the Examiner's burden to combine references:

*[T]he examiner must step backward in time and into the shoes worn by the hypothetical 'person of ordinary skill in the art' when the invention was unknown and just before it was made.....The examiner must put aside knowledge of the applicant's disclosure, refrain from using hindsight, and consider the subject matter claimed 'as a whole'.*

MPEP § 2142

Independent claims 11 and 20 include similar limitations, and for similar reasons, should also be allowed over the cited art.

New claim 28 describes an integrated circuit device comprising "a nickel silicide layer over the MOSFET, the nickel silicide layer formed by annealing a nickel layer adjacent a single titanium layer, the single titanium layer having a near uniform thickness less than about 15 Angstroms." In contrast, Fang employs a "tri-layer system" that requires 2 layers of titanium, one layer below and one layer above a metal layer. Column 2, Lines 2-3. Thus, it is clear that neither Wei nor Fang provides any reason, incentive, or motivation supporting the desirability of a single interlayer material having a thickness less than 15 angstroms. Therefore, there is simply no basis in the art for combining these references to support a 35 U.S.C. § 103 rejection.

It is clear from all of the foregoing that independent claims 1, 11, 20, and 28 are in condition for allowance. Dependent claims 2-10, 12-19, 21-27, and 29-30 depend from and further limit independent claims 1, 11, 20, and 28, and therefore are allowable as well.

An early formal notice of allowance of claims 1-30 is requested.

Respectfully submitted,

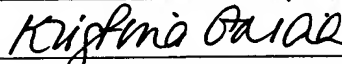


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